

Submitter: brian mcginley
On Behalf Of:
Committee: Senate Committee On Judiciary
Measure: SB1576

Having managed recreational trails on public lands for over 25 years and experienced lawsuits from injured citizens using such trails, I am a strong supporter of recreational immunity for these public opportunities, with some qualifications. Those qualifications would include facilities located on those trails, and in parking areas used to access such trails, which have been designed by qualified engineers and built under those designs specifications. The public deserves to believe that when they are offered a designed structure on a recreational trail to improve their travel or minimize their impact to resources during use, that structure is reasonably safe if used as designed and in a reasonable manner.

In all other situations, the public needs to understand that use of recreational trails has higher risks to injury than an urban pathway and they have accepted those increased risks when using recreational trails.

Additionally, I do not think treating the public's use of recreational trails differently, relative to immunity, simply because a fee is charged is a good idea. In my experience, most fees for using such trails are technically attached to the parking areas that service these trails, not the trail use. In such cases, I believe the public deserves access to legal remedies if they injure themselves in the parking lot, but not on the trails.

Finally, I ask that the legislature consider including language in the bill which allows property owners (where trails occur) the ability to place temporary "signing" at designated access points or designed facilities that warn the trail users of substandard conditions of specific facilities. the intent of these notifications is to inform trail users of increased risk while using these facilities, so they accept that increased risk if they chose to use the facilities. Such signing should be for a short period (30 days) to allow the owner or public agency time to remedy the situation. thank you for your time and consideration.